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10/760,086	01/16/2004	Heidi Riedel	104035.272116	1289

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EXAMINER	
LANDAU, SHARMILA GOLLAMUDI	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/760,086	RIEDEL ET AL.	
	Examiner	Art Unit	
	Sharmila Gollamudi Landau	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 and 13, respectively, are directed to a foamable cosmetic or dermatological preparation. The respective claims recite the limitation "the foamable preparation" in lines 15-16. There is insufficient antecedent basis for this limitation in the claim since the claim is either a 1) foamable cosmetic or 2) a dermatological preparation. If the composition is a dermatological preparation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Bajor et al (6,599,936).

Bajor teaches an oil-in-water emulsion comprising 3% stearic acid (A); 1.5% stearyl alcohol (C); 2% Peg-100 stearate (B); 3% isostearyl palmitate; 5% isoalcohol ester; 2% myristyl myristate; 0.5% hydroxyethylcellulose (hydrocolloid); glyceryl hydrostearate (hydrophilic emulsifier); 1% sorbitan stearate (instant hydrophilic emulsifier); 2% glycerine (moisturizer); and 1% dimethicone, among other components.

With regard to the claim language in claim 12, it should be noted that "[f]or the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, absent a clear indication in the specification or claims of what the basic and novel characteristics actually are, "consisting essentially of" will be construed as equivalent to "comprising." See, e.g., PPG, 156 F.3d at 1355, 48 USPQ2d at 1355.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 96/16636 to Doughty.

Doughty discloses a topical skin care composition comprising water, 1.80% cetyl alcohol (C), 0.25% stearic acid (A), 1.20% stearyl alcohol; 0.25% PEG-100 stearate; 2% mineral oil, 0.50% dimethicone 350, 1% Arlatone (mix of 95% sorbitan stearate and 5% sucrose cocoate), 9% glycerin (moisturizer), and 1% dimethicone, among other components. See example 2. Note sorbitan stearate of Arlatone reads on the instant hydrophilic emulsifier.

With regard to the claim language in claim 12, it should be noted that "[f]or the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, absent a clear indication in the specification or claims of what the basic and novel characteristics actually are, "consisting

essentially of" will be construed as equivalent to "comprising." See, e.g., PPG, 156 F.3d at 1355, 48 USPQ2d at 1355.

Claims 1-5, 7-8, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 19934946.

DE '946 discloses a composition comprising 0.1-5% fatty acids (14-22C); 0.2-10% fatty acid glyceride; 0.1-5% ethoxylated fatty acid ester; 0.5-10% non-polar lipid; 0.5-10% silicone oils; 0.5-7.5% fatty alcohols, and other ingredients. Se abstract. Specifically, Example 1 dislcoses a composition comprising 2% stearic acid and palmitic acid; 2% PEG-40 stearate; 2% glyceryl stearate (hydrophilic emulsifier); 3% cetylstearyl alcohol; 4% petrolatum; 9% cylcomethicone; 4% glycerin (moisturizer), and other ingredients.

Claims 1 and 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Penska (5,851,544).

Penska discloses cosmetic compositions for treating the skin or hair containing a liquid, inert, hydrophobic fluorocarbon infused with carbon dioxide. See abstract. The composition comprises i) from about 0.1% to about 70%, by weight of the composition, of a fluorocarbon infused with carbon dioxide; and ii) a cosmetically acceptable vehicle. See column 2, lines 15-25.

Penska discloses it is advantageous to infuse the fluorocarbon prior to its incorporation in a final composition due to the easier carbonation when bubbling through a low viscosity fluid rather than through a more viscous final composition. To maximize carbon dioxide delivery, infusion of carbon dioxide is done preferably until the fluorocarbon is totally saturated with carbon dioxide. The fluorocarbon in the inventive composition carries typically 50% to 250%,

preferably from 100 to 250%, most preferably from 140 to 250% its volume in carbon dioxide at 37 C. See column 3, lines 25-35.

Example 6 comprises 50% perfluorodecane infused with carbon dioxide; 0.2% xanthan gum (hydrocolloid); 1% titanium dioxide; 3% stearic acid (A); 0.5% cetyl alcohol (C); tocopherol (antioxidant); 0.5% sodium PCA (humectant moisturizer); 0.5% glyceryl stearate (hydrophilic surfactant), and 0.5% PEG-100 stearate (B); among other components. Note using the lower 50% of carbon dioxide infused in the fluorocarbon, the weight percent of carbon dioxide in the composition is 12.5%.

Example 7 discloses 30% perflurotributylamine infused with carbon dioxide; 0.5% hydroxyethylcellulose (hydrocolloid); 3% isostearic acid; 0.5% cetyl alcohol; 1% glycerin (moisturizer); 1% PEG-40 stearate; 1% sorbitan stearate, and 1% PEG-100 stearate; 2% petrolatum; 1% sorbitan stearate (instant hydrophilic emulsifier); and 5% isopropyl palmitate (ii); among other components.

Note the term "up to" includes zero.; therefore the claims do not require silicone oils or waxes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penska (5,851,544).

As delineated above, Penska teaches emollients such as fatty acids, i.e. stearic acid used in example 6, and fatty alcohols, i.e. cetyl alcohol, may be used in an amount of 0.5-50% and more than 1%, preferably 5-30% of the surfactants. See column 4, lines 25-30 and column 6, lines 5-10.

Penska does not exemplify the instant ratios.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the manipulate the ratios and utilize the instant ratio since Penska teaches the general range of each component (a) to (c) wherein the oily material including the fatty acids (a) and fatty alcohols (c) may be used in an amount of 5-50% and the surfactant (c) may be used in an amount of 5-30%. Therefore, it is within the skill of an artisan to optimize these ratios of the (a) to (c) to yield the appropriate emulsion stability and prevent phase separation. "The normal desire of scientists or artisans to improve upon what is already generally known provides the motivation to determine where in a disclosed set of percentage ranges is the

optimum combination of percentages.". In re Hoeschele, 406 F.2d 1403, 160 USPQ 809(CCPA 1969).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 19934946.

The disclosure of De '946 has been set forth,

Example 1 has a ratio of 1:1:1.5, however it lacks a teachings of the specific ratio of 1:1:1.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to manipulate ratios and utilize the instant ratio since DE '946 teaches the general range of each component (a) to (c) wherein fatty acids (14-22C) are used in an amount of 0.1-5%, ethoxylated fatty acid esters are used in an amount of 0.1-5% ethoxylated fatty acid, and the fatty alcohols are used in an amount of 0.5-7.5%. Therefore, it is within the skill of an artisan to optimize these ratios of the (a) to (c) to yield the appropriate emulsion stability and prevent phase separation. "The normal desire of scientists or artisans to improve upon what is already generally known provides the motivation to determine where in a disclosed set of percentage ranges is the optimum combination of percentages.". In re Hoeschele, 406 F.2d 1403, 160 USPQ 809(CCPA 1969).

Claims 4-6, 13-17, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/16636 to Doughty.

The disclosure of Doughty has been set forth above. Doughty teaches the emulsifier or mixtures of emulsifiers are utilized in an amount of 0.1-10%. The emulsifiers include soaps, fatty acid ester of PEG, esters of glycerin, etc. See column 14, lines 4-10. Doughty teaches the emulsions may be formulated into pressurized aerosol containers using conventional propellants.

See page 9, lines 30-37. The conventional propellants used to deliver the material as a foam include dimethyl ether, propane, isobutene, or propane.

Doughty does not exemplify combining the base composition with a gas, i.e. one cannot immediately envisage it. Further, Doughty does not teach the instant ratios.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to look to the guidance provided by Doughty and combine the base composition with a gas such as those claimed. One would have been motivated to do so with a reasonable expectation of success since Doughty teaches if one desired to formulate the composition into a mousse, an artisan would combine the composition with a conventional propellant and place it in a suitable container such as an aerosol can.

With regard to the claimed ratios of emulsifier a:b:c, Doughty teaches the emulsifiers may be utilized in an amount of 0.1-10%. Thus, it is within the skill of an artisan to optimize these ratios of the surfactant (emulsifier) system to yield the appropriate emulsion stability and prevent phase separation. "The normal desire of scientists or artisans to improve upon what is already generally known provides the motivation to determine where in a disclosed set of percentage ranges is the optimum combination of percentages.". In re Hoeschele, 406 F.2d 1403, 160 USPQ 809(CCPA 1969).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/16636 to Doughty in view of Spruyt et al (5,925,608).

The disclosure of Doughty has been set forth above. Doughty teaches any suitable container for the mousse formulations.

Doughty does not specify a plastic container.

Spruyt teaches a method of packaging foams comprising propellants. Spruyt teaches the foam is placed in a sealed container, such as an essentially cylindrical bottle, having a dispensing means such as a nozzle.. Suitable containers may be made from any material, especially aluminum, tin-plate, plastics including PET, OPP, PE or polyamide and including mixtures, laminates or other combinations of these.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Doughty and Spruyt and utilize the instant plastic container. One would have been motivated to do so with a reasonable expectation of success since Doughty teaches any suitable container may be utilized and Spruyt teaches conventional containers for foam compositions include plastics and metals. Therefore, the use of any known aerosol container is prima facie obvious to those skilled in the art.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2, 4-13, and 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/796850.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application '850 comprises additional components in addition to the critical element of the instant emulsifier system. Note the instant term "upto" includes zero. Therefore, the instant claims encompass the subject matter of '805. Note the instant claim language does not exclude the additional components recited in '805. With regard to the instant method claims, a restriction between the inventions has not been made in the instant or copending application. Therefore, the method of producing by mixing the emulsifier system and gas is obvious since '850 comprise both an emulsifier system and gas.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-2, 4-13, and 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 18-60 of copending Application No. 10/469706.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application '706 comprises additional components in addition to the critical element of the instant emulsifier system. Note the instant term "upto" includes zero. Therefore, the instant claims encompass the subject matter of '706. Note the instant claim language does not exclude the additional components recited in '706. With regard to the instant method claims, a restriction between the inventions has not been made in the instant or

copending application. Therefore, the method of producing by mixing the emulsifier system and gas is obvious since '706 comprise both an emulsifier system and gas.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-2, 4-13, and 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 15-54 of copending Application No. 10/469695.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application '695 comprises additional components in addition to the critical element of the instant emulsifier system. Note the instant term "upto" includes zero. Therefore, the instant claims encompass the subject matter of '695. Note the instant claim language does not exclude the additional components recited in '695. With regard to the instant method claims, a restriction between the inventions has not been made in the instant or copending application. Therefore, the method of producing by mixing the emulsifier system and gas is obvious since '695 comprise both an emulsifier system and gas.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-2, 4-13, and 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13-52 of copending Application No. 10/469704.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application '704 comprises additional components in addition

to the critical element of the instant emulsifier system. Note the instant term "upto" includes zero. Therefore, the instant claims encompass the subject matter of '704. Note the instant claim language does not exclude the additional components recited in '704. With regard to the instant method claims, a restriction between the inventions has not been made in the instant or copending application. Therefore, the method of producing by mixing the emulsifier system and gas is obvious since '704 comprise both an emulsifier system and gas.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-2, 4-13, and 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14-55 of copending Application No. 10/469698.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application '704 comprises additional components in addition to the critical element of the instant emulsifier system. Note the instant term "upto" includes zero. Therefore, the instant claims encompass the subject matter of '704. Note the instant claim language does not exclude the additional components recited in '704. With regard to the instant method claims, a restriction between the inventions has not been made in the instant or copending application. Therefore, the method of producing by mixing the emulsifier system and gas is obvious since '704 comprise both an emulsifier system and gas.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of copending Application No. 10/843552.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application '552 comprises additional components in addition to the critical element of the instant emulsifier system and silicone oils. Therefore, the instant claims encompass the subject matter of '552. Note the instant claim language does not exclude the additional components recited in '552.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 10/760088.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application '088 comprises additional components in addition to the critical elements of the instant emulsifier system and silicone oils. Therefore, the instant claims encompass the subject matter of '088. Note the instant claim language does not exclude the additional components recited in '088.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10-52 of copending Application No. 10/467176.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application '176 comprises additional components in addition to the critical elements of the instant emulsifier system and silicone oils. Therefore, the instant claims encompass the subject matter of '176. Note the instant claim language does not exclude the additional components recited in '176.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-2, 4-13, and 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 17-55 of copending Application No. 10/469697.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application '697 comprises additional components in addition to the critical element of the instant emulsifier system. Note the instant term "upto" includes zero. Therefore, the instant claims encompass the subject matter of '697. Note the instant claim language does not exclude the additional components recited in '697. With regard to the instant method claims, a restriction between the inventions has not been made in the instant or copending application. Therefore, the method of producing by mixing the emulsifier system and gas is obvious since '697 comprise both an emulsifier system and gas.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-2, 4-13, and 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 18-43 of copending Application No. 10/016964.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application '964 comprises additional components in addition to the critical element of the instant emulsifier system. Note the instant term "upto" includes zero. Therefore, the instant claims encompass the subject matter of '964. Note the instant claim language does not exclude the additional components recited in '964. With regard to the instant method claims, a restriction between the inventions has not been made in the instant or copending application. Therefore, the method of producing by mixing the emulsifier system and gas is obvious since '964 comprise both an emulsifier system and gas.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-7, 12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 8-9 of copending Application No. 10/846912.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application '912 comprises additional components in addition to the critical element of the instant emulsifier system. Note the instant term "upto" includes zero. Therefore, the instant claims encompass the subject matter of '912. Note the instant claim

language does not exclude the additional components recited in '912. With regard to the instant method claims, a restriction between the inventions has not been made in the instant or copending application. Therefore, the method of producing by mixing the emulsifier system and gas is obvious since '912 comprise both an emulsifier system and gas.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharmila Gollamudi Landau whose telephone number is 571-272-0614. The examiner can normally be reached on M-F (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sharmila Gollamudi Landau

Primary Examiner
Art Unit 1616

6/12/07